

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated March 9, 2007 (hereinafter Office Action) have been considered. Claims 1-50 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-8, 10-38, 40-42 and 44-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over “Publish dynamic application on the Web (using CGI to create dynamically updated pages),” *McClanahan, D.*, Internet, Web, Online Service Information, Database Web Advisor, v 15, n4, April 1997, p. 60(1) (hereinafter “*McClanahan*”) in view of “Using XML to Develop Applications for WAP and WWW Environments,” *Honkala, M.*, Helsinki, University of Technology, 2000 (hereinafter “*Honkala*”) as further exemplified by Admitted prior art. Applicants respectfully traverse the rejections.

The Applicants submit that the combination of references relied upon by the Examiner fails to teach or suggest all of the limitations of Claims 1-8, 10-38, 40-42 and 44-50. For example, regarding independent Claims 1, 34, 46, 47, 48, and 49, the Examiner relies upon the combination of *McClanahan* and *Honkala* to teach the substance of these claims. However, Applicants submit that none of the references relied upon in the Office Action teach or suggest transferring provisioning information to a mobile terminal in connection with a provisioning procedure associated with establishing basic network connectivity for the mobile terminal, wherein the provisioning information includes an application server address and application identifier.

According to the Office Action, *McClanahan* describes “embedding an hypertext link into a web page or a button into a electronic form...the web page or form comprises the ‘provisioning’ information provided to the user.” (Office Action, page 2). However, these teachings are related to accessing a web-based application, and are unrelated to provisioning a mobile terminal to establish basic network connectivity. The Applicant respectfully submits that nowhere does the Office Action explain where *McClanahan* and *Honkala* allegedly teach or suggest how a browser can be used to establish basic network connectivity. Applicant submits that the references fail to teach a browser with this functionality.

As is well-known in the art, a browser is a high-level user application, and requires that underlying network connectivity be operable **before** accessing any network document. Therefore it is not reasonable to suggest that a browser such as described in *McClanahan* could be used to provision a terminal to establish basic network connectivity, because a browser is an application that **uses** basic network connectivity, and is not **used to** establish basic network connectivity.

According to the Office Action, “current provisioning techniques have a scope that is limited to parameters required to establish basic network connectivity” and a “standard WAP provisioning server currently includes parameters needed to establish basic network connectivity.” (Office Action, page 3). Thus, the Examiner recognizes that a WAP server may be used to provision a server to establish basic network connectivity, but nowhere does the Examiner explain how this relates to the so-called “provisioning” taught by the browser of *McClanahan*. Nor does the Examiner describe any interaction between a browser and a WAP server in order to provision a terminal. Therefore, Applicants respectfully suggest that a prima facie case of obviousness has not been established regarding independent Claims 1, 34, 46, 47, 48, and 49, at least because the combination of references fails to teach or suggest transferring provisioning information to a mobile terminal in connection with a provisioning procedure associated with establishing basic network connectivity for a mobile terminal, wherein the provisioning information includes an application server address and application identifier.

Claims 1-8, 10-38, 40-42 and 44-50 are rejected under 35 U.S.C. §103(a) as being unpatentable over *McClanahan* in view of *Honkala*. Applicant notes that, for the rejections stated on pages 4-6 of the Office Action, the Examiner relies on the same publications, *McClanahan* and *Honkala*, as the rejections discussed above. As such, the Applicant submits the arguments presented above are equally applicable to the present rejections. Nowhere in the rejections on pages 4-6 of the Office Action does the Examiner explain how the combination of *McClanahan* and *Honkala* teach or suggest at least transferring provisioning information to a mobile terminal in connection with a provisioning procedure associated with establishing basic network connectivity for a mobile terminal. Applicant submits that the references fail to teach or suggest these features, and Claims 1-8, 10-38, 40-42 and 44-50 are allowable over *McClanahan* and *Honkala*.

Regarding the rejection of Claims 2-3, nowhere does the Office Action describe where the cited combination of references teach or suggest pre-configuring a software module at the mobile terminal to recognize the application identifier as set forth in Claim 2, nor do the references teach or suggest pre-configuring user agents at the mobile terminal to recognize the application identifier as set forth in Claim 3. Again, the rejections rely on the teachings of a browser that dynamically accesses a GGI application, but nowhere is it alleged that these references teaching or suggesting either a software module or user agents being preconfigured to utilize a provisioned application identifier. Applicant submits that the references fail to teach these features, and thus Claims 2-3 are further allowable over the combination of references.

Regarding the rejection of Claims 6-8, 35-37, the Examiner relies on *Honkala* to teach transmitting provisioning information via a push provisioning process as in Claims 6 and 36; equipping a mobile terminal with a component that stores the provisioning information as in Claim 8; using Pull technology as in Claim 35; and use of WAP provisioning as in Claims 7 and 37. In particular, the rejections rely on *Honkala*'s descriptions of "Pull-model" on page 23; "Call Control and Push services" on page 29; a high-level description of WAP on pages 30; and mention of a WAP terminal on page 41. Applicant submits that these excerpts of *Honkala* do not render Claims 6-8 and 35-37 obvious, at least because *Honkala* is silent on provisioning of terminals using any of Pull, Push, or WAP. *Honkala* is directed to "building WAP-enable applications by modifying the presentation layer of an existing Web application," (*Honkala*, p. 2, para. 3) and is unrelated to provisioning of mobile terminals. "All words in a claim must be considered in judging the patentability of a claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). Applicant submits that Claim 6-8 and 35-37 recite aspects related to provisioning a terminal, and the mere mention of WAP, Pull, or Push in *Honkala* is insufficient to teach or suggest any use of these technologies for provisioning. For at least this reason, Claims 6-8 are allowable over the combination of *McClanahan* and *Honkala*.

Regarding the rejections of Claims 28-30, the Examiner takes Official Notice "that the communication associated with bootstrap process via which an application identifier and the associated application access parameter upon initial configuration of the mobile terminal ... was old and well known in the art." In response to Applicant's contesting of the taking of Official Notice in the Office Action Response filed December 18, 2006, the Examiner states "applicant is

allowed to challenge the assertion in the next reply after the Office Action in which the common knowledge statement was made (see MPEP 2144.03). Hence the traverse to the assertion of official notice to claims 28-30 set forth on office action mailed 2/01/06 is inadequate.” Applicant respectfully directs the Examiner’s attention to page 13 of the Office Action Response filed by the Applicant on April 26, 2006 in response to the Office Action of February 1, 2006. Applicant timely challenged the assertion of Official Notice in the next reply after the Office Action in which the common knowledge statement was made. In the Office Action Response with RCE filed December 18, 2006, Applicant merely reiterated the request that the Examiner provide evidence that demonstrates the appropriateness of the officially noticed facts pursuant to MPEP § 2144.03.

Applicants again ask that the Examiner provide such evidence. Notice of the supposedly “old and well known” features disregards the requirement of analyzing Applicant’s claimed subject matter as a whole. In particular, none of the publications relied in the rejections of Claims 28-30 are related to terminal provisioning. Therefore, it would not be reasonable to take Official Notice regarding additional aspects related to provisioning, that of bootstrapping, when none of the primary references relied upon in the rejections are even related to provisioning.

In addition to the arguments above, Applicant notes that dependent Claims 2-8 and 10-33 depend from independent Claim 1; Claims 35-38, 40-42 and 44-45 depend from independent Claim 34; and Claim 50 depends from independent Claim 49. These dependent claims also stand rejected under 35 U.S.C. §103(a) as being anticipated by the combination of *McClanahan* and *Honkala*. While Applicant does not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with independent Claims 1, 18, 33, and 34. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the combination of *McClanahan* and *Honkala*. Therefore, dependent Claims 2-8, 10-33, 35-38, 40-42, 44-45, and 50 are also in condition for allowance.

Claims 9 and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over *McClanahan*, in view of *Honkala* in further view of “Mobile Security – An Overview of GSM, SAT and WAP,” Malte Borcharding (hereinafter “*Borcharding*”). Claim 39 is rejected under 35

U.S.C. §103(a) as being unpatentable over *McClanaha*, in view of *Honkala*, in further view of WAP Push OTA Protocol, version November 8, 1999 (hereinafter "*WAP Push*"). Applicants respectfully traverse the rejections. For the rejections of Claims 9, 39, and 43, the Examiner relies on *McClanahan* and *Honkala* as teaching the substance of the claims from which these claims are dependent, namely, independent Claim 1 and 34, respectively. The Examiner does not rely on *Borcherding* or *WAP Push* as providing a remedy to the deficiencies of *McClanahan* and *Honkala* as it pertains to independent Claims 1 and 34, nor do *Borcherding* or *WAP Push* provide such a remedy. Thus, because neither *McClanahan*, *Honkala*, *Borcherding* nor *WAP Push* teach or suggest at least the recitations of Claims 1 and 34, a combination of *McClanahan*, *Honkala*, *Borcherding* and *WAP Push* fails to teach these recitations. While other requisites of establishing *prima facie* obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations. For at least this reason, Claims 9, 39, and 43 are not rendered obvious by the various combinations of *McClanahan*, *Honkala*, and *Borcherding* and *WAP Push*, and withdrawal of the rejection is respectfully solicited.

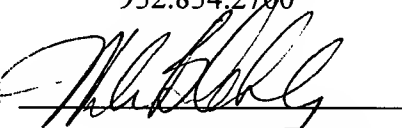
Authorization is given to charge Deposit Account No. 50-3581 (NOKM.017PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: June 11, 2007

By:



William B. Ashley
Reg. No. 50,419